

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MONTE RUSSELL, on behalf of himself and
others similarly situated,

Plaintiff,

Case No.: C 07 3993 CW

v.

**STIPULATION AND ~~[PROPOSED]~~
ORDER SELECTING ADR PROCESS**

WELLS FARGO AND COMPANY,

Defendant.

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

- Non-binding Arbitration (ADR L.R. 4)
- Early Neutral Evaluation (ENE) (ADR L.R. 5)
- Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

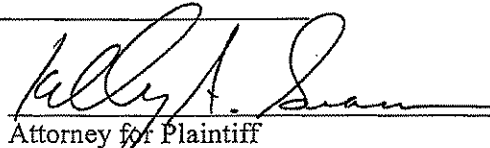
☒ Private ADR: The parties have agreed to participate in private mediation. A provider has not yet been selected and agreed upon. The parties have agreed to exchange lists of acceptable providers on or before October 23, 2007.

The parties agree to hold the ADR session by:

☒ the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*

other requested deadline _____

Dated: 10/15/07


Attorney for Plaintiff

Dated: 10/15/07


Attorney for Defendant

~~PROPOSED~~ ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

Non-binding Arbitration
Early Neutral Evaluation (ENE)
Mediation
Private ADR

Deadline for ADR session

X 90 days from the date of this order.
other

IT IS SO ORDERED

10/25/07

Dated: _____



UNITED STATES MAGISTRATE JUDGE
DISTRICT

PROOF OF SERVICE

UNITED STATES DISTRICT COURT }
COUNTY OF ORANGE } ss:

I am employed in the County of Orange, State of California. I am over the age of 18, and not a party to the within action. My business address is Hodel Briggs Winter LLP, 8105 Irvine Center Drive, Suite 1400, Irvine, CA 92618.

On **October 16, 2007**, I served the foregoing document(s) described as: **STIPULATION AND [PROPOSED] ORDER SELECTING ADR PROCESS** on the interested parties by placing a true copy thereof in a sealed envelope(s) addressed as follows:

William M. Audet (State Bar No. 117456) Adel A. Nadji (State Bar No. 232599) AUDET & PARTNERS, LLP 221 Main Street, Suite 1460 San Francisco, California 94105 ANadji@audetlaw.com Telephone: (415) 568-2555 Facsimile: (415) 568-2556	T. Joseph Snodgrass (Pro Hac Vice pending) Kelly A. Swanson (Pro Hac Vice pending) LARSON KING, LLP 2800 Wells Fargo Place 30 East 7 th Street St. Paul, Minnesota 55101 Telephone: (651) 312-6500 Facsimile: (651) 312-6619
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☒ **VIA U.S. MAIL:**

I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice such sealed envelope(s) would be deposited with the U.S. postal service on October 16, 2007 with postage thereon fully prepaid, at Irvine, California.

☐ **VIA OVERNIGHT MAIL:**

VIA UPS: By delivering such document(s) to an overnight mail service or an authorized courier in a sealed envelope or package designated by the express service courier addressed to the person(s) on whom it is to be served.

☒ **VIA ELECTRONIC MAIL:**

Pursuant to C.R.C. 2060, I served the foregoing document described by emailing to it each of the aforementioned electronic mail addresses and the transmission was reported as complete and without error. My email address is mpace@hbwillp.com.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on October 16, 2007, at Irvine, California.


Michele A. Pace

PROOF OF SERVICE